

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

April 15, 2004

DIVISION TWO

[illegible]

The judgment is affirmed.

Doi Todd, J.

We concur: Nott, Acting P.J.
Ashmann-Gerst, J.

B163609 People v. Royal (Not for Publication)

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Doi Todd, J.

[illegible]

The order of October 21, 2002, declaring minor a ward of the court and sustaining the petition alleging a violation of Penal Code section 626.10, subdivision (a) is reversed.

Doi Todd, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

April 15, 2004 (Continued)

DIVISION TWO (Continued)

B167067 People (Not for Publication)
v.
Juan M.

The order under review is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Nott, J.

B164215 Sykes, et al. (Not for Publication)
v.
Sykes

The judgment of the trial court is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Nott, J.

DIVISION THREE

B142999 Schifando (Not for Publication)
v.
City of Los Angeles

The judgment is reversed with directions to the superior court to vacate the order sustaining demurrer without leave to amend and enter a new order sustaining the demurrer with leave to amend. Schifando is entitled to recover costs on appeal, including costs incurred in connection with review by the Supreme Court.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

DIVISION THREE (Continued)

B170947 Los Angeles County, D.C.S. (Not for Publication)
v.
Terelle C.

The juvenile orders are reversed and the matter is remanded for the DCFS to comply with notice requirements of the ICWA. If, after Indian entities receive proper notice under the ICWA, Marcus is determined not to be an Indian child and the ICWA does not apply, the juvenile court should reinstate all previous orders. Alternatively, after Indian entities receive proper notice under the ICWA, if Marcus is determined to be an Indian child and the ICWA applies to these proceedings, Father is then entitled to petition the juvenile court to invalidate orders which violated title 25 United States Code sections 1911, 1912, and 1913. (See 25 U.S.C. 1914 and Cal. Rules of Court, rule 1439(n)(1).)

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

B162389 Kozonasky (Not for Publication)
v.
Metrociti Mortgage, et al.

The order of the trial court is reversed and the matter is remanded with instructions to conduct further proceedings consistent with the views expressed herein. Each party shall bear their own costs on appeal.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

B160379 People v. Duncan (Not for Publication)

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.
Aldrich, J.

April 15, 2004 (Continued)

DIVISION THREE (Continued)

B167105 Altounian (Not for Publication)
 v.
 Donoyan Insurance Agency

The judgment of dismissal is reversed, and the cause is remanded for further proceedings consistent with the views expressed herein. Costs on appeal to plaintiff.

Croskey, J.

We concur: Klein, P.J.
 Kitching, J.

DIVISION FOUR

Court convened at 9:00 a.m.

Present: Epstein, Acting P.J., Hastings, J., Curry, J. and V. Guzman, Deputy Clerk.

Each of the following:

B165757 People v. Lofton
B165469 People v. Lindholm
B172974 Jeff B. v. Superior Court (D.C.F.S.)
B168487 People v. Washington

Argument waived, cause submitted.

B167235 People
 v.
 Vasquez

Merits:
Argued by Adam Axelrad for appellant and by James William Bilderback II, deputy attorney general for respondent. Cause submitted.

April 15, 2004 (Continued)

DIVISION FOUR (Continued)

B166042 Kong
 v.
 Zhou, et al.

Merits:
Argued by Steven L. Sugars for appellants and no appearance on behalf of
respondent. Cause submitted.

B166891 Penuela
 v.
 Sigelman

Merits:
Argued by Roy Penuela for appellant and by Penelope A. Phillips for
respondent. Cause submitted.

Court in recess.

Court reconvened at 1:30 p.m.

Present: Epstein, Acting P.J., Hastings, J., Curry, J. and V. Guzman, Deputy Clerk.

B167699 People
 v.
 Williams

Merits:
Argued by Lynette Gladd Moore for appellant and by Ryan Smith, deputy
attorney general for respondent. Cause submitted.

B168619 Los Angeles County, D.C.S.
 v.
 Merritt H. and Yvonne A.

Merits:
Argued by Merritt H. in propria persona and by Jacklyn K. Louie, deputy
county counsel for respondent. Cause submitted.

Court adjourned.

April 15, 2004 (Continued)

DIVISION FIVE

B161327 P. Peter Pirouzkar (Not for Publication)
 v.
 Regents of the University of California, et al.

Each of the orders appealed from is affirmed. Each party to bear its own costs on appeal.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

B169861 People (Not for Publication)
 v.
 Tony W.

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Mosk, J.

DIVISION SIX

Court convened at 1:30 P.M.

Present: Gilbert, P.J., Yegan, J., Perren, J. and G. Bents, Deputy Clerk.

Each of the following:

B163793 People v. Aguilar
B165116 People v. Sanchez
B165428 People v. Hurt
B165759 People v. Jelks
B165855 People v. Padilla
B166413 People V. Singh
B166717 People v. Meadors

DIVISION SIX (Continued)

Each of the following (continued):

B167559 People v. Conley
B168568 People v. Ward
B168959 People v. Raul C.
B169415 People v. Kelso

Argument waived, cause submitted.

Each of the Following:

B166950 People v. Adam C.
B168135 People v. Urrea

Argument continued to May, 2004.

B167082 People
 v.
 Ramos

Merits:

Argued by Eric Robert Larson for appellant via video conference and
argument waived by respondent. Cause submitted.

B167141 People
 v.
 Rowans

Merits:

Argued by Richard Eric Holly for appellant and by Steven D. Matthews,
Deputy Attorney General, for respondent via video conference.

Counsel may serve and file simultaneous letter briefs on the significance of
Section 6606(b), Welfare and Institutions Code on the issues in this case
within 15days, at which time, the matter will stand submitted.

April 15, 2004 (Continued)

DIVISION SIX (Continued)

B165896 People
 v.
 Hoge

Merits:

Argued by George Schraer for appellant and by John Yang, Deputy Attorney General, for respondent via video conference. Cause submitted.

Perren, J. left the bench.

Coffee, J. assumed the bench.

B166832 People
 v.
 Berberyan

Merits:

Argued by Anthony P. Brooklier for appellant and by Sharon E. Loughner, Deputy Attorney General, for respondent via video conference. Cause submitted.

Court adjourned at 2:45 P.M.

DIVISION SEVEN

B162235 Dore
 v.
 Arnold Worldwide

Filed order denying petition for rehearing

DIVISION EIGHT

B166087 Tony Martinez, Jr. (Not for Publication)
v.
Master Protection Corporation dba Firemaster

The judgment is reversed, The cause is remanded and the trial court is directed to: (1) vacate its April 20, 2001 order granting FireMaster's petition to compel arbitration and to stay the proceedings pending completion of arbitration; (2) vacate its August 14, 2001 order denying Martinez's motion to lift the stay and return the case to the civil active list; (3) vacate the March 7, 2003 judgment confirming the arbitration award; and (4) restore this matter to its litigation calendar for further proceedings consistent with this opinion. Martinez is awarded his costs on appeal.

Boland, J.

We concur: Cooper, P.J.
 Rubin, J.

B168200 Bennigson (Not for Publication)
v.
Alsdorf

The June 16, 2003 order granting the motion to quash service for lack of personal jurisdiction is affirmed. The appeal from the August 26, 2003 order denying Bennigson's motions for leave to amend the complaint and to conduct jurisdictional discovery is dismissed. Alsdorf is awarded her costs on appeal.

Boland, J.

We concur: Cooper, P.J.
 Flier, J.

April 15, 2004 (Continued)

DIVISION EIGHT (Continued)

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The judgment is affirmed.

Boland, J.

We concur: Rubin, Acting P.J.
Flier, J.